
Public Utilities Commission of the State of California

Public Agenda 3040
Thursday, June 8, 2000, 10 a.m.
San Francisco, California

Commissioners
Loretta M. Lynch, President
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas
Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings **505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) Closed to the Public	<i>Commission Meeting</i> Auditorium (10 a.m.) Open to the Public
Monday, June 5	Thursday, June 8
Monday, June 19	Thursday, June 22
Monday, July 3	Thursday, July 6
Monday, July 17	Thursday, July 20
Monday, July 31	Thursday, August 3

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-54

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18933** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3040** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3** **Res T-16332 - ConnectOne Communications Corporation.**
This resolution revokes the certificate of public convenience and necessity of ConnectOne Communications Corporation, as requested by the company. (Section 311(g)(1))

- CA-4** **A99-08-018 - Pacific Gas and Electric Company (PG&E).**
To confirm the effectiveness of D49937 and the Turlock Irrigation District Service Area Agreement, or, in the alternative, to authorize termination of the Turlock Irrigation District Service Area Agreement and removal of limitations in D43185 and D65185. This decision dismisses with prejudice PG&E's application for advisory opinion on Commission policy on Service Area Agreements. This proceeding is closed.
(Com Duque - ALJ Thomas)
(Section 311(g)(1))
- CA-5** Moved to item 10 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(6/6/00)
- CA-6** **R98-07-037 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing energy efficiency, low income assistance, renewable energy and research development and demonstration.**
The Low-Income Advisory Board (LIAB) advises the Commission on issues related to utility low-income assistance programs. This decision authorizes an annual operating budget of \$309,860 for LIAB's activities in 2000.
(Com Neeper - ALJ Gottstein)
(Section 311(g)(1))
- CA-7** **A98-09-003 - Pacific Gas and Electric Company.**
For review and recovery of the costs and revenues in the transition cost balancing account. A98-09-008, A98-09-009 - Related matters. This decision adopts the Generation Asset Balancing Account as the corresponding debit to the credit required by D00-02-048.
(Com Duque - ALJ Minkin)
(Section 311(g)(1))

- CA-8** **C95-05-028 - T. R. Lyon vs. Southern California Edison Company (Edison).**
This decision denies complainant's request to the Commission to order Edison to assign certain laundry facility accounts at the Leisure World of Seal Beach retirement community to a lower-cost tariff schedule. This proceeding is closed.
(Com Neeper - ALJ Wetzell)
(Section 311(g)(1))
- CA-9** **A99-10-036 - Southern California Gas Company (SoCalGas).**
For authority pursuant to Public Utilities Code Section 851 to sell certain intellectual property known as Energy Marketplace. Granted. This decision also approves a Settlement Agreement between SoCalGas and Office of Ratepayer Advocates providing for 50-50 allocation of gain on sale between ratepayers and shareholders.
(Com Wood - ALJ Thomas)
(Section 311(g)(1))
- CA-10** **A92-07-054 - Michael S. Mitchell, Bruce P. Hector, Mickey's Space Ship Shuttle.**
For a certificate of public convenience and necessity to operate as a passenger stage service between certain portions of Los Angeles County and Orange County and Los Angeles International Airport (LAX) and Orange County's John Wayne International Airport (SNA). A97-11-006, A98-03-035 - Related matters. This decision approves three applications to establish new scheduled and on-call passenger stage services between LAX and SNA, on the one hand, and other points in Orange County, on the other hand.
(Com Bilas - ALJ Ryerson)
(Section 311(d))

- CA-11** **R95-01-020 - Rulemaking on the Commission's own motion into universal service and to comply with the mandates of Assembly Bill 3643. I95-01-021 - Related matter.**
This decision denies the petition to modify D96-10-066 jointly filed by MCI Telecommunications Corporation (MCI) and Sprint Communications Company L.P. (Sprint). In their petition, MCI and Sprint sought to modify D96-10-066 to clarify that the requirement in the decision for local exchange carriers (LECs) to offer a choice of flat-rate or measured-rate local service applies only to LECs that receive money from one of the universal service funds.
(Com Neeper - ALJ Kenney)
(Section 311(g)(1))
- CA-12** **Res W-4192 - Penngrove Water Company (PWC).**
This resolution grants PWC's request for an offset rate increase producing an additional annual revenue of \$14,544 or 5% in its Penngrove Service District, and \$27,874 or 111% in its Canon Manor Service District, spread over a 3-year period in increments of approximately 78%, 16.5%, and 16.5% per year.
(Advice Letter 41, filed March 15, 2000)
(Agenda 3038, Item CA-17, 5/4/00; Req - Commission)
- CA-13** **A99-06-029 - Warren J. Starkey and Guadalupe G. Soto, dba Paradise Shuttle.**
For certificate of public convenience and necessity to operate as a passenger stage corporation. Operational routes include, but are not limited to: San Diego International Airport, residences of San Diego County including but not limited to the following cities of: Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista. Granted. This proceeding is closed.
(Com Wood - ALJ Rosenthal)
- CA-14** **A00-01-008 - Ciera Network Systems, Inc.**
For a certificate of public convenience and necessity to offer local exchange access. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)

- CA-15 Res W-4196 - Rolling Green Utilities, Inc. (RGU), Sewer Division.**
This resolution grants RGU's request for a general rate increase in sewer rates producing \$7,224 or 12.93% additional annual sewer revenue for test year 1999.
- CA-16 A00-02-036 - Preferred Network Communications Corporation.**
For a certificate of public convenience and necessity to provide InterLATA and IntraLATA interexchange services and competitive local exchange services as a reseller and facilities-based carrier. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-17 A00-01-003 - Essential.com, Inc., dba Essential.com., Your Energy and Communications Superstore, Inc.**
For a certificate of public convenience and necessity to offer local exchange and access services. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-18 196-09-002 - Order Instituting Investigation into the Commission's own motion into whether the Greenbelt Water Company, Inc. (Greenbelt), is unable or unwilling to serve its ratepayers, is incapable of financial management, or is unresponsive to the rules, orders, and decisions of the Commission. Order to show cause why Greenbelt, and its officers and directors, John S. Cavanaugh and Evelyn Cavanaugh, should not be fined for failure to comply with Commission rules, orders and decisions. Order to show cause why the Commission should not request the Superior Court to appoint a receiver to operate Greenbelt in order to preserve and maintain the water system and meet its financial obligations.**
This decision closes a difficult investigation of Greenbelt's ability to serve its customers in view of the incapacity of its owners, death of the husband, and continued incapacity of the wife. It addresses defalcation of Safe Drinking Water Bond Act (SDWBA) loan repayment funds, restructuring of the SDWBA loan by the Department of Water Resources, appointment of interim managers and potential replacement of the ownership of Greenbelt, potential recovery of some missing funds through action by the Santa Cruz County District Attorney in Superior Court, and the current need to replace a 40,000 gallon water storage tank in the system. This proceeding is closed.
(Com Duque - ALJ Weiss)
(Section 311(g)(1))

- CA-19** **A00-02-002 - PNG Telecommunications, Inc.**
For a certificate of public convenience and necessity to offer local exchange and access services. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-20** **A00-02-025 - EGIX Network Services, Inc. (EGIX).**
This decision grants EGIX's request for a certificate of public convenience and necessity for resale and limited facilities-based local exchange authority. The limited authority is granted consistent with the terms previously adopted in D99-10-048. This proceeding is closed.
(Com Wood - ALJ Pulsifer)
- CA-21** **I99-06-038 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Nir Ben-David and Amit Mines, a Partnership, dba Right on Time Moving. I 99-06-039 – Related matter.**
This decision approves all-party settlements and grants the motion of the Commission's Consumer Service Division to cancel Household Goods Carrier Permit T-167,489. These proceedings are closed.
(Com Wood - ALJ Ryerson)
- CA-22** **Res W-4197 - Yerba Buena Water Company (YBW).**
This resolution grants YBW's request for an interim increase in rates producing \$11,506 or 17.0% additional annual revenue.
- CA-23** **A00-03-013 - OnFiber Carrier Services, Inc.**
For a certificate of public convenience and necessity in order to provide competitive local exchange, access and interexchange service. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-24** **Res TL-18931 - Airporter, Inc., dba Airportride.com.**
This resolution grants Airporter, Inc.'s request to delete Sun Plaza Hotel, Santa Rosa, as a service point from its passenger stage corporation certificate.

- CA-25 Res W-4198 - Lukins Brothers Water Company (LBWC).**
This resolution grants LBWC's request for a general increase in rates producing \$59,885 or 25.46% additional annual revenue.
- CA-26 Res W-4199 - Rolling Green Utilities, Inc. (RGU), Water Division.**
This resolution grants RGU's request for a general rate increase in water rates producing \$3,497 or 5.14% additional annual revenue.
- CA-27 Res W-4200 - Metropolitan Water Company (MWC).**
This resolution authorizes MWC's request for a rate surcharge for recovery of unanticipated expenses producing additional revenues of \$5,342.67 or 66.5%.
(Advice Letter 18, filed April 14, 2000)
- CA-28 A00-02-034 - Maxcess, Inc.**
For a certificate of public convenience and necessity to provide resold and facilities-based local exchange and interexchange telecommunications services within California. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-29 C99-04-046 - Pacific Bell vs. FirstWorld Communications, Inc., FirstWorld SoCal, FirstWorld Orange Coast, FirstWorld SCG.**
This decision extends the statutory deadline in order to allow time to consider the appeal and request for review of the Presiding Officer's Decision that have been filed.
(Com Neeper - ALJ O'Donnell)
- CA-30 A99-08-008 - Pacific Gas and Electric Company (PG&E), Gary L. Grant and Chris A. Grant, et al.**
For authority to sell and convey to the latter a certain parcel of land in San Joaquin County pursuant to Public Utilities Code Section 851. Granted. This proceeding is closed.
(Com Wood - ALJ Wright)

- CA-31** **A00-01-020 - Smart Shuttle, Inc.**
For certificate of public convenience and necessity to operate as a passenger stage corporation between points in Los Angeles and Orange Counties and Los Angeles International Airport and to establish a zone of rate freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-32** **Res E-3676 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request for new memorandum accounts for electric and gas, Applicant Installation Trench Inspection Memorandum Account and Applicant Installation Trench Inspection Deferred Account.
(Advice Letter 2181-G/1915-E, filed September 20, 1999)
- CA-33** Moved to item C-3 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(6/5/00)
- CA-34** **A00-02-020 - Sempra Communications (SC).**
For authority to provide competitive local exchange and interexchange services. This decision grants the application of SC for limited facilities-based authority, as a competitive local carrier. SC is bound by the same requirements and subject to the same exemptions as were applied to facilities-based carriers in D99-12-048. The joint motion of SC and the Office of Ratepayer Advocates is also granted, including the two conditions proposed therein. This proceeding is closed.
(Com Bilas - ALJ Pulsifer)
(Agenda 3036, Item CA-58, 4/6/00; Agenda 3037, Item CA-20, 4/20/00; Agenda 3039, Item CA-8, 5/18/00; Req - Commission)

- CA-35 A00-02-038 - Paul W. McGregor.**
This decision grants Paul W. McGregor's request for an exemption from the Commission-imposed moratorium on new water service connections in the Montara-Moss Beach District of Citizens Utilities Company of California (Citizens) in order to transfer water service from an existing home that will be demolished to a new home that will be constructed nearby. The new home will be built with water conservation devices required by current building codes. Citizens does not object to the transfer, and no protests have been filed. This proceeding is closed.
(Com Duque - ALJ Walker)
- CA-36 Res T-16423 - Pacific Bell (Pacific).**
This resolution approves one CMRS Interconnection Agreement between Pacific and Cook Telecom of San Diego, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter 21119, filed April 13, 2000)
- CA-37 Res T-16424 - Roseville Telephone Company (Roseville).**
This resolution approves one Interconnection Agreement between Roseville and NEXTLINK California, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter 490, filed April 21, 2000)
- CA-38 Res T-16425 - Pacific Bell (Pacific).**
This resolution approves one Interconnection Agreement between Pacific and New Edge Network, Inc., dba New Edge Networks, submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter 21094, filed April 6, 2000)
- CA-39 A00-03-026 - John G. Chen, dba John's Shuttle.**
For authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, and San Mateo Counties, and San Francisco, Oakland and San Jose International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)

- CA-40** **A00-03-041 - Safa Eltaki, dba Flying Eagle Shuttle.**
For authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Marin, San Mateo and Contra Costa Counties and the San Francisco and Oakland International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-41** **A00-03-020 - Rajen R. Chovatia, dba Air-Transit Shuttle.**
For an extension of authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Marin, Solano, Santa Clara and San Mateo Counties and the San Francisco, Oakland, and San Jose International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-42** **A00-03-053 - Arman Mehrani, dba Metro Shuttle.**
For authority to operate as a passenger stage corporation between points in San Francisco, San Mateo, Alameda, and Santa Clara Counties and the San Francisco, San Jose and Oakland International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-43** **A00-02-045 - Blue & Gold Fleet, L.P.**
For authority to increase fare levels for the transportation of passengers in vessel common carrier service between the Alameda Gateway area and the Port of Oakland, on the one hand, and Angel Island State Park, on the other hand. This decision authorizes Blue & Gold Fleet, L.P.'s request for a fare increase of \$0.50 per passenger for round trip service between Alameda, Oakland and Angel Island State Park. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
- CA-44** **A99-11-009 - American Fiber Network, Inc.**
For a certificate of public convenience and necessity to offer local exchange, access and interexchange services. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)

- CA-45** **Res ST-49** - This resolution approves the final report of an on-site safety audit of the San Diego Trolley, Inc. performed by the Rail Transit Safety Section of the Rail Safety and Carriers Division.
- CA-46** **A99-10-016 - Chevron Pipe Line Company (Chevron), a Delaware Corporation and Ellwood Pipeline, Inc. (Ellwood).**
For authority to sell interests in utility property, pursuant to the provision of Section 851 of the Public Utilities Code of the State of California. This decision approves the sale and transfer of approximately one mile of crude oil common carrier pipeline from the La Conchita Production Facility Connection, Ventura County, to the Mobil Rincon Pipeline Facility, Ventura County from Chevron to Ellwood. This proceeding is closed. (Com Bilas - ALJ Wright)
- CA-47** **Res W-4201 - Mt. Charlie Water Works, Inc. (MCWWI).**
This resolution relieves MCWWI of its public utility obligations as a result of transfer of ownership to Santa Cruz County, Service Area 54.
- CA-48** **Res E-3677 - Southern California Edison Company (SCE).**
This resolution approves SCE's request for new memorandum account for electric line extensions, Applicant Installation Trench Inspection Memorandum Account.
(Advice Letter 1405-E, filed September 20, 1999)
- CA-49** **Res G-3284 - Southern California Gas Company (SoCalGas).**
This resolution approves SoCalGas' request for new memorandum account for gas line extensions, Applicant Installation Trench Inspection Memorandum Account.
(Advice Letter 2846-G, filed September 20, 1999)
- CA-50** **A00-03-027 - Kevin Otha Chambers, dba Chambers Airport Express.**
For authority to extend service between points in the counties of Alameda, Contra Costa and San Francisco, on the one hand, and San Francisco, Oakland and San Jose International Airports, on the other hand, and to establish a Zone of Rate Freedom. Granted. This proceeding is closed. (Exam Koss)

- CA-51** **C99-06-034 - The Utility Consumers' Action Network (UCAN) vs. MCI Telecommunications Corporation.**
This decision extends 12-month statutory deadline for resolution pursuant to Public Utilities Code Section 1701.2(d).
(Com Neeper - ALJ Bushey)
- CA-52** **Res TL-18935 - Coast Shuttle, Inc.**
This resolution grants a voluntary suspension of the passenger stage certificate held by Coast Shuttle, Inc.
- CA-53** **A00-03-045 - Z-Tel Communications, Inc. (Z-Tel).**
For a certificate of public convenience and necessity to provide facilities-based and resold local exchange service in California. This decision grants Z-Tel's request to offer limited facilities-based and resold local exchange service in the incumbent territories of Pacific Bell and GTE California Incorporated. This proceeding is closed.
(Com Wood - ALJ Pulsifer)
- CA-54** **(ECP) C00-02-016 - Mia Ingraham vs. Pacific Gas and Electric Company.**
This decision denies the complaint of Mia Ingraham that she should not be held responsible for payment of utility bills totalling \$1,116.03 (\$732.60 + 383.43), which were transferred to her account, based upon more persuasive contrary evidence. This proceeding is closed.
(Com Neeper - ALJ Bennett)
- CA-55** **A00-03-011 - Wanda Williams, dba Wanda on Wheels.**
For authority to operate as a passenger stage corporation on an "on-call" basis and door-to-door service between points in Oakland, on the one hand, and prison facilities located in Dublin, San Quentin, Tracy, Vacaville, Ione, Crescent City, Susanville, Jamestown, Soledad, San Diego, Blythe, Wasco, Chino, Chowchilla, Coalinga, Stockton, Delano, Imperial, Represa, Lancaster, Corcoran, Norco, San Luis Obispo, Tehachapi, Calipatria, Frontera, Avenal, and Standish, on the other hand. Granted. This proceeding is closed.
(Exam Koss)

CA-56 I99-06-005 - Order Instituting Investigation to show cause why the Burlington Northern Santa Fe Railway Company and the Union Pacific Railroad Company should not be ordered to comply with California Labor Code Section 6906.

This decision extends statutory deadline for resolution pursuant to Public Utilities Code Section 1701.2(d).
(Com Wood - ALJ Ryerson)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **R98-09-005 - Order Instituting Rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service (ULTS) Program and General Order (GO) 153.**
This decision adopts the following revisions to the ULTS program and GO 153. First, GO 153 is revised to incorporate all changes to the ULTS program that have occurred since GO 153 was issued in 1984. Second, the ULTS program is revised to conform with specific aspects of the Federal Lifeline and Link Up programs. Third, ULTS program benefits are expanded to provide more low-income households with access to affordable basic telephone service. Finally, ULTS program administrative procedures are revised to make the program more efficient and effective. This decision also orders the Telecommunications Division to convene a workshop to develop a comprehensive proposal for using CMRS to provide ULTS. This proceeding is closed.
(Com Neeper - ALJ Kenney)
(Section 311(g)(1))
(Agenda 3033, Item 5, 2/17/00; Agenda 3034, Item H-7, 3/2/00; Agenda 3035, Item H-4, 3/16/00; Agenda 3036, Item H-5, 4/6/00; Agenda 3037, Item H-4, 4/20/00; Agenda 3038, Item H-2, 5/4/00; Req - Commission)
- H-1a** **ALTERNATE PAGES TO ITEM H-1.** These alternate pages allow CLCs pricing flexibility for ULTS rates.
(Com Bilas)

H-2

A99-03-065 - Southern California Water Company (SCWC).

For authority to increase rates for water service in its Wrightwood customer service area. A99-03-066, A99-03-067, A99-03-068 - Related matters. This decision approves a settlement between SCWC and the active parties in this consolidated general rate case proceeding for the Wrightwood, Claremont, Barstow, and Calipatria-Niland districts. A significant part of the rate increase requested by SCWC for all four districts relates to proposed plant additions to meet water quality regulations. This decision defers recognition in rates of these costs pending issuance of new standards by EPA and DOHS for radon and arsenic. These proceedings are closed.

The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Neeper - ALJ Patrick)

(Section 311(d))

(Agenda 3027, Item CA-6, 11/18/99; Agenda 3028, Item H-1, 12/2/99;

Agenda 3029, Item H-1, 12/16/99; Agenda 3031, Item H-3, 1/20/00;

Agenda 3032, Item H-3, 2/3/00; Agenda 3033, Item H-6, 2/17/00; Item

Withdrawn; Agenda 3037, Item 5, 4/20/00; Agenda 3038, Item H-6, 5/4/00;

Req - Commission)

- H-3 A98-09-040 - Southern California Water Company (SCWC).**
SCWC seeks authority to introduce single tariff pricing for eight water districts that comprise the company's Region III, located primarily in the Los Angeles area. The region-wide tariff would be phased in over three years and would replace stand-alone rates in the eight districts. The application is opposed by the Ratepayer Representation Branch of the Commission's Water Division as inimical to traditional ratemaking based on cost of service within a district. The proposal, if adopted, would constitute the first time that the Commission has permitted single tariff pricing for non-contiguous water districts. Based on the compelling need for rate relief in some of the smaller districts in the company's Region III, and on the demonstrated minimal impact of single tariff pricing in the other districts of Region III, as well as on the record as a whole, this decision grants the application. However, it directs the Water Division to monitor this pricing practice and to make recommendations for change, if any, at the time of the next general rate case for this region. This proceeding is closed. **The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.**
(Com Duque - ALJ Walker)
(Section 311(d))
(Agenda 3027, Item 3, 11/18/99; Agenda 3028, Item H-8, 12/2/99; Agenda 3029, Item H-5, 12/16/99; Agenda 3031, Item H-4, 1/20/00; Agenda 3032, Item H-4, 2/3/00; Agenda 3033, Item H-7, 2/17/00; Item Withdrawn; Agenda 3037, Item 6, 4/20/00; Agenda 3038, Item H-7, 5/4/00; Req - Commission)
- ◆H-4 C99-01-039 - The Greenlining Institute, Latino Issues Forum vs. Pacific Bell, Pacific Bell Information Services.**
This decision denies the complaint after concluding, among other things, that the preponderance of the evidence does not establish that defendants deceptively marketed and sold voicemail to business customers. This proceeding is closed.
(Com Neeper - ALJ Vieth)
(Agenda 3038, Item 7, 5/4/00; Req - Commission)

H-5 I98-03-013 - Investigation on the Commission's own motion into whether existing standards policies of the Commission regarding drinking water quality adequately protect the public health and safety with respect to contaminants such as Volatile Organic Compounds, Perchlorate, MTBE, and whether those Standards and policies are being Uniformly compiled with by Commission regulated utilities.

This final order in this investigation of water quality finds state requirements adequate and closes this docket. Suggestions in this proceeding for supplemental water quality rules will be the subject of new OIR if workshops fail and further investigation of compliance of one utility is possible. This proceeding is closed.

(Com Duque - ALJ Bennett)

(Section 311(g)(1))

(Agenda 3034, Item 2, 3/2/00; Agenda 3036, Item H-1, 4/6/00; Agenda 3037, Item H-1, 4/20/00; Agenda 3039, Item H-1, 5/18/00; Req - Commission)

H-6 R97-10-049 - Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.

This decision holds that the gross revenue sharing proposal put forward by California Water Association fails to sufficiently protect ratepayers. It allows water utilities to submit advice letters to obtain Commission approval of accounting for sales of non-tariffed goods and services. This proceeding is closed.

(Coms Duque/Neeper - ALJ Bushey)

(Section 311(g)(1))

(Agenda 3034, Item 3, 3/2/00; Agenda 3036, Item H-2, 4/6/00; Agenda 3037, Item H-2, 4/20/00; Agenda 3038, Item H-1, 5/4/00; Agenda 3039, Item H-2, 5/18/00; Req - Commission)

H-6a **ALTERNATE ORDER TO ITEM H-6.** This alternate order approves a process for water utilities to offer non-tariffed products and services that is similar in structure to the method adopted by the Commission in D99-06-021 for Southern California Edison Company. The method allows sharing of gross revenues. Shareholders would receive 90% of gross revenues for active investments and 70% for passive investments. Shareholders would pay all costs. A threshold revenue assumption is also included. This alternate requires advice letters for products and services proposed as active investments.
(Coms Neeper/Duque)
(Agenda 3038, Item H-1a, 5/4/00; Agenda 3039, Item H-2a, 5/18/00; Req - Commission)

H-7 A99-01-016 - Pacific Gas and Electric Company (PG&E).

For authority to establish Post-Transition Period Electric Ratemaking Mechanisms. A99-01-019, A99-01-034, A99-02-029 - Related matters. This decision provides guidance on policies regarding the end of the rate freeze and associated post-transition ratemaking for PG&E, Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E). The Commission takes incremental steps designed to ensure a more level playing field in order to promote competition and provide consumers with more options. It considers and rejects the settlement regarding a procurement PBR mechanism presented to the Commission by SDG&E, the Office of Ratepayer Advocates, the Utility Consumers Action Network, the California Power Exchange (CalPX) and several other parties. It also rejects PG&E's proposal to either adopt a procurement PBR or to establish guidelines for procurement. Instead, it continues the requirement that all three utilities continue to procure their energy from the CalPX (also known as the mandatory buy requirement) until PG&E, Edison, and SDG&E have all ended the rate freeze. It does not adopt PG&E's rate capping proposal. It prefers that customers understand the impact of the market and the accompanying price signals. It calls for the utilities and energy service providers to provide the necessary customer education and information and recommend that hourly interval meters be installed whenever feasible. It also continues the balanced payment plan for residential and small commercial customers. It does not require that such plans be expanded to street lighting customers, rather, it sees this as an opportunity for the marketplace to offer solutions. It makes several findings related to cost allocation after the rate freeze ends for each utility. It finds that ongoing transition costs, restructuring implementation costs, and nuclear decommissioning costs should be allocated according to a cents-per-kilowatt methodology. Energy efficiency public purpose costs should continue to be allocated according to a system average percent change methodology. It also addresses issues related to SDG&E's rate reduction bonds. The unrealized savings resulting from the excess rate reduction bond proceeds must be refunded to ratepayers at SDG&E's authorized pre-tax rate of return over the remaining life of the bonds. Finally, it addresses other issues related to our post-rate freeze policies. These proceedings are closed.

(Com Duque - ALJ Minkin)

(Section 311(d))

(Agenda 3037, Item 2, 4/20/00; Agenda 3038, Item H-5, 5/4/00;

Agenda 3039, Item H-5, 5/18/00; Req - Commission)

H-7a **ALTERNATE ORDER TO ITEM H-7.** This alternate order allows utilities to procure from CalPX or any qualified exchange during the transition period. Exchanges are qualified through an advice letter process. Post transition period the buy requirement is totally eliminated. Utilities must file or update applications with a methodology based on generation costs (top 100 hours method) for the allocation of transition costs extend past the end of the transition period. SDG&E ratepayers will receive a one time credit or check for unrealized savings from excess rate reduction bond proceeds.

(Rev.)
(6/7/00)

(Coms Neeper/Bilas)
(Agenda 3038, Item H-5a, 5/4/00; Agenda 3039, Item H-5a, 5/18/00; Req - Commission)

This revision was not listed on the agenda distributed to the public.

H-7b **ALTERNATE PAGES TO ITEM H-7.** These alternate pages authorize SDG&E to return excess rate reduction bond revenues to ratepayers immediately as a bill credit, refund check, or both, rather than over the life of the bonds.

(Rev.)
(6/6/00)

(Com Lynch)

This revision was not listed on the agenda distributed to the public.

H-8 **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**

This decision resolves the issues for which rehearing was granted as prescribed in D99-04-072. The decision concludes that Pacific Bell (Pacific) and GTE California Incorporated (GTEC) have failed to rebut the presumption that their end-user toll aggregation restrictions are unreasonable, and likewise, that they have failed to rebut the presumption that the resale restrictions on Centrex and Centranet service are unreasonable. Pacific and GTEC are directed to file amended tariffs removing these restrictions on the resale of the applicable services within 30 days of the effective date of this decision.

(Com Bilas - ALJ Pulsifer)

(Section 311(g)(1))

(Agenda 3038, Item 1, 5/4/00; Agenda 3039, Item H-6, 5/18/00; Req - Commission)

- H-9** **A98-12-037 - Williams Communications, Inc., dba Vyvx, Inc.**
For a certificate of public convenience and necessity to provide InterLATA and IntraLATA telecommunications services within the State of California. This decision modifies D99-12-062 to allow construction of a fiber optic system between Point Arena in Mendocino County and the community of Robbins in Sutter County, and between Point Arena and the City of Sacramento. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Agenda 3038, Item CA-31, 5/4/00; Agenda 3039, Item 3, 5/18/00; Req - Commission)
- H-10** **A99-10-029 - City of Novato (Novato) and Black Point Partnership, L.P. (Black Point).**
This decision grants Novato and Black Point's request to construct a new public at grade crossing at the site of the existing Renaissance Road private crossing and to close an existing private crossing at milepost 28.08 of the tracks of the Northwestern Pacific Railroad Authority in Novato, Marin County.
(Exam Koss)
(Agenda 3039, Item 4, 5/18/00; Req - Commission)
- H-11** **A99-07-002 - Southern California Gas Company (SoCalGas).**
For authority to continue low-income assistance programs and funding through 2000. A99-07-004, A99-07-011, A99-07-012 - Related matters. This decision addresses the applications for approval of Program Year 2000 low-income assistance programs submitted by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and SoCalGas.
(Com Neeper - ALJ Gottstein)
(Section 311(d))
(Agenda 3039, Item 1, 5/18/00; Req - Commission)

H-11a
(6/5/00)

ALTERNATE PAGES TO ITEM H-11. These alternate pages represent text revisions interpreting AB 1393 as it relates to assuring a role for community based organizations in the provision of Low Income Energy Efficiency programs and services, to emphasize a balance among the objectives of CBO participation, maximizing bill and usage savings for low income customers and assuring cost effectiveness for ratepayers. Other revisions include reducing the size of a Pay-for Measured-Savings pilot program from not more than 25 % of treated dwelling units to not more than 10% of treated dwelling units.

(Com Wood)

This item was not listed on the agenda distributed to the public.

ORDERS

- 1** **I99-12-001 - Investigation on the Commission's own motion into the operations, practices, and conduct of Coleman Enterprises, Inc. (CEI), dba Local Long Distance; Daniel Coleman, an individual, President, Chief Executive Officer and Director of Coleman; and QAI, Inc. (QAI), to determine whether they have violated the laws, rules, and regulations governing the manner in which California consumers are switched from one long distance carrier to another.**

This interim decision denies the motion of QAI to be dismissed as a respondent from this proceeding. Under prior orders, dismissal is appropriate only if there was no good cause to name the moving party as a respondent; conclusive proof of wrongdoing is not required. In this case, the declarations of investigators from the Commission's Consumer Services Division contain enough evidence to raise triable issues about whether respondent CEI, which is accused of cramming and slamming, was the agent of QAI in providing telecommunications services, or whether QAI and CEI were engaged in a joint venture to provide such services. Because of this evidence, the Commission cannot conclude as a matter of law that QAI could not be liable for the wrongdoing of CEI; a hearing is necessary. Under these circumstances, it was not error to name QAI as a respondent in the OII.

(Com Duque - ALJ McKenzie)

(Section 311(g)(1))

2 I99-04-022 - Order Instituting Investigation into the operations and practices of the Southern California Gas Company (SoCalGas), concerning the accuracy of information supplied to the Commission in connection with its Montebello Gas Storage Facility.

This decision conditionally approves the settlement of this proceeding reached between SoCalGas and the Commission's Consumer Services Division, provided that the settling parties agree to the following two changes. First, the \$3,495,000 voluntary monetary contribution SoCalGas is to make for the benefit of certain organizations should instead be paid to the General Fund of the State of California. Second, SoCalGas should expand the scope of its ethics course to address a utility's ethical obligations in exercising the power of eminent domain. In their comments to the draft decision, the settling parties should indicate whether each change is acceptable to them. The settling parties should address each change separately. If the settling parties do not agree to the changes, the Commission will deny the motion to adopt the settlement. The settling parties are also directed to state in their comments to the draft decision whether tax deductibility was one of the bases for the parties' agreement to the amount of the monetary contribution. If so, and if the settling parties believe that as a result of the changes we impose, the monies would not now be tax deductible, they may recommend a monetary adjustment to the settlement. The Commission can then determine in its final decision whether the entire settlement, including the adjusted amount, is reasonable and in the public interest. This proceeding is closed.

(Com Duque - ALJ Econome)

(Section 311(g)(1))

3 A99-05-044 - Southern California Gas Company (SoCalGas).

For authority to modify and make permanent its requirements for contractors installing earthquake valves on its facilities, and to modify charges for SoCalGas' valve installation and related services. This decision clarifies that SoCalGas holds the duty of ensuring the safety of earthquake valves installed on SoCalGas' side of the gas meter.

(Com Wood - ALJ Hale)

(Section 311(g)(1))

- 4** **A99-06-027 - Southern California Gas Company (SoCalGas).**
This decision awards SoCalGas \$7.7 million in shareholder incentives for savings accrued under its Gas Cost Incentive Mechanism (GCIM) during “Year 5,” the 12-months ending March 31, 1999. It orders Energy Division to issue an evaluation report of GCIM by October 1, 2000, and defers judgement on whether to extend operation of the GCIM on an annual basis beyond March 31, 2001, the end of Year 6. This proceeding is closed.
(Com Lynch - ALJ Wright)
(Section 311(g)(1))
- 5** **R99-11-021 - Rulemaking for the purpose of revising settlement provisions in the Rules of Practice and Procedure.**
This order addresses proposed new procedural rules governing settlements before the Commission. The proposed rules now will be sent to the Office of Administrative Law for publication in the California Regulatory Notice Register. This publication will start the 45-day notice-and-comment process, which is the first stage leading to adoption and codification of these rules in the California Code of Regulations. The proposal incorporates changes to an earlier draft of the proposed settlement rules in response to the comments of interested parties in their written statements and in a public workshop.
(Com Neeper - ALJ Walker)
- 6** **A99-09-049 - Southern California Edison Company (Edison).**
For approval of Program Year 2000 (PY) and 2001 energy efficiency program plans, budgets, and performance award mechanism. A99-09-050, A99-09-057, A99-09-058 - Related matters. This decision adopts revisions to the PY 2000 energy efficiency programs, market assessment and evaluation studies, and budgets implemented by Edison, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company (utilities) pursuant to Interim D99-12-053. It defers a decision on the proposed performance award mechanisms pending further review and issuance of the decision in the 1998 Annual Earnings Assessment Proceeding. It requires the utilities to submit revised budgets and other compliance filings, quarterly status reports, and program manuals. It also requires the utilities to file new applications for PY 2001 by August 15, 2000 and adopt protocols for those filings.
(Com Neeper - ALJ Bytof)
(Section 311(d))

- 7** **A99-11-003 - Pacific Gas and Electric Company (PG&E).**
For authority to establish its authorized rates of return on common equity and for electric distribution and gas distribution, and establish its unbundled rates of return for Year 2000 for electric distribution and gas distribution. This decision adopts an all-party settlement agreement that provides PG&E with an 11.22% return on common equity (ROE) for 2000. This authorized ROE results in a 9.12% return on electric and gas distribution ratebase requiring a \$42.1 million electric and \$13.5 million gas revenue requirement. The increased electric revenue requirement shall be included in PG&E's Transition Revenue Account and not result in increased electric rates at this time because PG&E's rate freeze remains in effect. The average residential gas customer, with average usage of 50 therms per month, will see an average monthly bill increase of \$0.23 from \$27.98 to \$28.21. This proceeding is closed.
(Com Wood - ALJ Galvin)
(Section 311(d))
- 8** **A99-06-022 - City of Oakland (City).**
For permission to construct three separate crossings at grade on 7th Street in the City. Granted. Commission's Rail Safety and Carriers Division's protest was resolved and withdrawn. This proceeding is closed.
(Com Wood - ALJ Bennett)
- 9** **R95-04-043 - Rulemaking on the Commission's own motion into**
(6/5/00) **competition for local exchange service. I95-04-044 - Related matter.**
This decision approves the "President's Ruling Granting Motion for a Temporary Restraining Order" preventing Pacific Bell Telephone Company (Pacific) from any further delivery of White Pages Directories in the South and East San Diego region that contain the unlisted and non-published numbers of customers served by Cox Telecom, L.L.C. (Cox). The Ruling, dated June 2, 2000, ordered Pacific to cease all deliveries of these directories until further Commission notice or until a ruling is issued on Cox's motion for a preliminary injunction. A hearing on the motion for a preliminary injunction is set for June 12, 2000. This decision is issued in accordance with Section 310 of the Public Utilities Code. This matter is added to the agenda pursuant to Governmental Code Section 11125.3(a)(1) and Public Utilities Code Section 306(b).
(Com. Bilas - ALJ Pulsifer)
This item was not listed on the agenda distributed to the public.
This revision was not listed on the agenda distributed to the public.

10

(6/6/00)

A99-03-054 - Alisal Water Corp., dba Alco Water Service.

For a determination pursuant to Section 851 of the Public Utilities Code if utility funds obtained in settlement of a lawsuit lawfully may be applied to satisfy a third party judgment lien, for review of judgment, and related matters. This decision addresses the question referred to the Commission by the San Francisco Superior Court and dismisses the remainder of the application and amendment to the application. This proceeding is closed.
(Com Duque - ALJ Vieth)

(Section 311(g)(1))

This item appeared as CA-5 on the agenda distributed to the public.

UTILITIES RESOLUTIONS AND WRITTEN REPORTS

ENERGY MATTERS

- E-1 Res G-3281 - Pacific Gas and Electric Company, Southern California Gas Company, San Diego Gas & Electric Company, Southwest Gas Corporation, and Avista Utilities.**
This resolution adopts the Public Utility Gas Corporation surcharge for Mobilehome Park Safety Inspection and Enforcement Program for fiscal year 2000-2001 and authorizes tariff filings.
(Section 311(g)(1))
- E-2 Res E-3672 - Pacific Gas and Electric Company (PG&E).**
This resolution approves with modifications PG&E's request to participate, and recover costs associated with its participation in the California Power Exchange Corporation forward market for ancillary services.
(Advice Letter 1986-E, filed March 30, 2000)
(Section 311(g)(1))
- E-3 Res E-3621 - Southern California Edison Company (SCE).**
This resolution approves as modified SCE's request to revise its Tariff Rule 18 to add language which allows SCE to provide master-metering for certain non-residential installations when individual utility metering is impractical.
(Advice Letter (AL) 1294-E, filed March 10, 1998; Supplemental AL 1294-E-A, filed January 31, 2000)
(Section 311(g)(1))
(Agenda 3039, Item E-1, 5/18/00; Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1** **Res T-16409 - All Telecommunications Carriers.**
This resolution approves the first six-months of year 2001 budget of
(Rev.) \$253.569 million and a surcharge rate of 2.6% for the California High Cost
(6/2/00) Fund-B program.
 (Section 311(g)(1))
 (Agenda 3038, Item C-1, 5/4/00; Agenda 3039, Item C-3, 5/18/00; Req -
 Commission)
 This revision was not listed on the agenda distributed to the public.
- C-2** **Res T-16388 - Greenlining Institute (Greenlining), GTE-California
(GTEC), Latino Issues Forum (LIF), and the Consumer Services
Division (CSD).**
This resolution addresses a set of proposed bylaws filed by the Greenlining,
GTEC, LIF and the CSD (collectively referred to as “Parties” or “settling
parties”) to implement a Telecommunications Consumer Protection Fund
(Fund). The Fund is to be established for the benefit of limited-English and
non-English speaking customers in the service areas most affected by the
allegedly abusive marketing practices of GTEC.
 (Section 311(g)(1))
 (Agenda 3034, Item C-4, 3/2/00; Agenda 3035, Item C-3, 3/16/00; Agenda
3036, Item C-3, 4/6/00; Agenda 3037, Item C-3, 4/20/00; Agenda 3038,
Item C-2, 5/4/00; Agenda 3039, Item C-4, 5/18/00; Req - Commission)
- C-3** **Res T-16404 - This resolution adopts a budget of \$254,139 for the Public
(6/5/00)** Policy Payphone Program for the time period from January 1, 2001 through
 June 30, 2001 and reduces the surcharge rate to 8 cents per month per pay
 telephone line.
 (Section 311(g)(1))
 (Agenda 3039, Item CA-5, 5/18/00; Req - Commission)
 This revision was not listed on the agenda distributed to the public.
 This item appeared as CA-33 on the agenda distributed to the public.

WATER MATTERS

W-1

Res W-4195 - Conlin Strawberry Water Company, Inc. (CSWC).

This resolution authorizes CSWC's request for a rate decrease of \$10,473 or 7.93%, from interim rates authorized in Res. W-4144, dated April 22, 1999, resulting in a final rate increase of \$18,597 or 18.06%; a refund to customers of \$10,688 due to non-compliance with D96-09-043; and a \$9,655 reduction in Safe Drinking Water Bond Act (SDWBA) surcharge revenue per year approximately for 6.5 years to repay \$64,030 of missing funds in the SDWBA Trust Account.

(Agenda 3039, Item W-1, 5/18/00; Req - Commission)

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

HLEG-1 **SB 1491 (Leslie)**, to amend Sections 7604 and 7678 of the Public Utilities Code, relating to railroad crossings: automated warning devices.
(Agenda 3036, Item LEG-3, 4/6/00; Agenda 3037, Item HLEG-3, 4/20/00; Agenda 3038, Item HLEG-2, 5/4/00; Agenda 3039, Item HLEG-2; Req - Commission)

HLEG-2 **AB 2762 (Committee on Utilities and Commerce)**, to amend Section 422 of the Public Utilities Code, relating to common carriers: annual fee.
(Agenda 3037, Item LEG-3, 4/20/00; Agenda 3038, Item HLEG-3, 5/4/00; Agenda 3039, Item HLEG-3, 5/18/00; Req - Commission)

HLEG-3 **AB 995 (Wright) and SB 1194 (Sher)**, related to reliable electric service through prudent investments in the electric distribution grid, energy efficiency, renewable energy, and new technology.
(Agenda 3037, Item LEG-6, 4/20/00; Agenda 3038, Item HLEG-5, 5/4/00; Agenda 3039, Item HLEG-4, 5/18/00; Req - Commission)

HLEG-4 **AB 2638 (Calderon)**, to amend Sections 330 and 374 of, and to add Sections 454.1 and 9067 to, the Public Utilities Code, relating to public utilities: electrical power.
(Agenda 3039, Item LEG-2, 5/18/00; Req - Commission)

HLEG-5 **SB 200 (O'Connell)**, to add Section 6903 to the Labor Code, relating to employment: railroad train crews.
(Agenda 3039, Item LEG-3, 5/18/00; Req - Commission)

HLEG-6 **SB 1388 (Peace)**, to amend Sections 25519 and 25523 of, and to repeal Section 25524 of, the Public Resources Code, and to add Section 393 to the Public Utilities Code, relating to public utilities: electrical power facilities.
(Agenda 3039, Item LEG-4, 5/18/00; Req - Commission)

COMMISSIONERS' REPORTS

MANAGEMENT REPORTS

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

NON-FEDERAL ITEMS

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation. (Gov. Code Sec. 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- EX-4 Conference with Legal Counsel - Application for Rehearing**
R95-05-043, I95-04-044 - Disposition of the joint Application for Rehearing of D00-03-054 filed by the California Cable Television Association, AT&T Communications of California, Inc., MCI WorldCom Network Services, Inc., Pac-West Telecom, Inc., and Nextlink California, Inc. D00-03-054, which is part of the Commission's plan to extend the life of the 310 NPA, adopts rules relating to the use of sequential number assignment and fill rates that carriers are required to meet in order to obtain additional blocks of numbers in the 310 NPA.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-5 **Conference with Legal Counsel - Application for Rehearing**
I87-11-033 - Disposition of the joint Application for Rehearing filed by the Office of Ratepayer Advocates (ORA) and The Utility Reform Network of D00-02-047. In this decision, the Commission ordered that the oversight responsibility for the Pacific Bell audit be transferred from ORA to the Telecommunications Division, one of the Commission's advisory units. This audit is to be submitted to the New Regulatory Framework review proceeding.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-6 **Conference with Legal Counsel – Application for Rehearing**
C97-09-030 - Disposition of Application for Rehearing of D99-12-034 filed by Energy Alternatives (EA). D.99-12-034 denied EA's complaint which claimed that Pacific Gas and Electric Company mismanaged its 1997 Weatherization Program by instituting changes to allow unlimited installation of caulking, allegedly resulting in a change in contract terms, required standards, an erroneous bidding process and increased costs to ratepayers.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

FEDERAL ITEMS

FEX-1 **Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings. (Gov. Code Sec. 11126(e)(2)(C)(i).)

FEX-2 **Conference with Legal Counsel - Existing Litigation**
Southern Energy Delta, L.L.C., **FERC Docket No. ER00-936-001**;
Southern Energy Potrero, L.L.C. **FERC Docket No. ER00-937-001**
(Gov. Code Sec. 11126(e)(2)(A).)

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